

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

<div style="display: flex; justify-content: space-between;"><div style="width: 40%;"><p>ST. JUDE MEDICAL S.C., INC.,</p><p style="text-align: center;">Plaintiff</p><p>v.</p><p>BIOTRONIK, INC.,</p><p style="text-align: center;">Defendant</p><p>BOSTON SCIENTIFIC CORP.,</p><p style="text-align: center;">Third Party</p></div><div style="width: 10%; text-align: center; font-size: 2em;">)</div><div style="width: 50%; vertical-align: top; padding-left: 10px;"><p>Civil Action No. 14-mc-91022-FDS</p><p>(Relating to Case No. 1:12-cv-23466-SEITZ/SIMONTON, pending in the United States District Court for the Southern District of Florida)</p></div></div>

**THIRD PARTY BOSTON SCIENTIFIC CORP.’S MOTION TO QUASH ST. JUDE
MEDICAL S.C., INC.’S SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL
ACTION**

Boston Scientific Corp. (“Boston Scientific”) respectfully moves the Court to quash the Subpoena to Testify at a Deposition in a Civil Matter (“Deposition Subpoena”) that was issued from this Court at the request of St. Jude Medical, S.C., Inc. (“St. Jude”).

1. Whereas the Subpoena relates to an underlying lawsuit that is pending in the Southern District of Florida, Case No. 1:12-cv-23466-SEITZ/SIMONTON. As such, the court where the action is pending is the United States District Court for the Southern District of Florida;

2. Whereas, under the amended Fed. R. Civ. P. 45(a)(2) a subpoena must issue from the court where the action is pending;

3. Whereas the Subpoena at hand was improperly issued from this Court, and therefore does not comply with Rule 45;

4. Whereas the Subpoena's requests are overly broad, unduly burdensome, and duplicative of requests that have already been litigated before this Court;

Boston Scientific respectfully requests that this Court quash the Subpoena to Testify at a Deposition in a Civil Action.

Respectfully submitted,

BOSTON SCIENTIFIC CORP.

By its attorneys,

/s/ Timothy D. Johnston

Terence P. McCourt, BBO #555784
Timothy D. Johnston, BBO #647894
GREENBERG TRAURIG, LLP
One International Place
Boston, MA 02110
Tel: (617) 310-6000
Fax: (617) 310-6001
johnstont@gtlaw.com

FAEGRE BAKER DANIELS LLP
Robert L. Schnell, Jr. (*pro hac vice*)
robert.schnell@faegreBD.com
Hanna L. Terhaar (*pro hac vice*)
hanna.terhaar@faegreBD.com
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
(612) 766-7000

DATED: April 14, 2014

CERTIFICATE OF COMPLIANCE WITH LR 7.1(a)(2) AND L.R. 37.1(b)

Pursuant to Local Civil Rule 7.1 and Fed. R. Civ. P 37(a)(1), Boston Scientific certifies that its Minnesota counsel has in good faith conferred with counsel for St. Jude in an effort to limit the scope of the requested discovery without court action, but that these efforts were not successful.

/s/ Timothy D. Johnston

Timothy D. Johnston

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicted as non-registered participants on April 14, 2014.

/s/ Timothy D. Johnston

Timothy D. Johnston